

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard Allen Hay et al.	)	Group Art Unit: 2131
	)	
Serial Number: 10/740,460	)	Examiner: TBD
	)	
Filed: December 22, 2003	)	Atty. Docket No.: 006393.00002
	)	
For: Field Deployable Wireless	)	Confirmation No.: 3629
Networking Device	)	

**PETITION UNDER 37 CFR §1.47(a) – FILING A DECLARATION**  
**BY OTHER THAN ALL THE INVENTORS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a petition under 37 CFR § 1.47 to file the enclosed Joint Declaration for Patent Application (Declaration) executed by only one of two inventors. Please charge the petition fee under 37 CFR § 1.17(h) to Deposit Account 19-0733.

**STATEMENT OF FACTS**

1. On October 7, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, sent an e-mail to Mr. Brian Lawrence Smith asking him to provide biographical information and to review the patent application (see Attachment 1, pages 1-2).

2. On October 20, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, sent an e-mail to Mr. Brian Lawrence Smith again requesting that he confirm certain biographical information (see Attachment 1, page 1).

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3. On October 20, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith an e-mail with an attached copy of the Declaration for Mr. Smith's signature (see Attachment 2, page 3).
4. On October 27, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith an e-mail reminder to sign and return the Declaration (see Attachment 2, page 2).
5. On November 3, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, again sent Mr. Brian Lawrence Smith an e-mail reminder to sign and return the Declaration (see Attachment 2, page 1).
6. On November 10, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, again sent Mr. Brian Lawrence Smith an e-mail reminder to sign and return the Declaration (see Attachment 2, page 1).
7. On November 17, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, again sent Mr. Brian Lawrence Smith an e-mail reminder to sign and return the Declaration (see Attachment 3, page 1).
8. On November 24, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith an e-mail asking him of any accommodations that the firm could make to expedite his signing of the Declaration (see Attachment 4, page 1).
9. On December 1, 2003, Mr. John Fleming, attorney at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith an e-mail reminder to sign and return the Declaration (see Attachment 4, page 1).

10. On December 15, 2003, Mr. Ross Dannenberg, attorney at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith an e-mail asking him to sign and return the Declaration (see Attachment 5, page 1).
11. On April 7, 2004, Ms. Laura Sunderland, secretary to Mr. John Fleming at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith an e-mail notifying him of the Patent & Trademark Office notice that his signature was missing from the Declaration (see Attachment 6).
12. On April 7, 2004, an inquiry was made to confirm the last known home address of Mr. Brian Lawrence Smith as 11515 Leehigh Dr., Fairfax, VA 22030 (see Attachment 7).
13. On April 7, 2004, Ms. Laura Sunderland, secretary at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith the Declaration by Federal Express courier to his last known home address, 11515 Leehigh Drive, Fairfax, VA 22030. The courier's records show that the documents were signed for by "B.. SMITH" on April 8, 2004 (see Attachment 8).
14. On April 29, 2004, Ms. Laura Sunderland, secretary at Banner & Witcoff, LTD, sent Mr. Brian Lawrence Smith another copy of the Declaration by Federal Express courier to his last known home address, 11515 Leehigh Drive, Fairfax, VA 22030. The courier's records show that the documents were signed for by "B..SMITH" on April 30, 2004 (see Attachment 9).
15. On May 18, 2004, Mr. John Fleming, attorney at Banner & Witcoff, LTD, sent an e-mail to Mr. Brian Lawrence Smith with an attached copy of the Declaration requesting that he sign and return the Declaration as soon as possible (see Attachment 10).

**LAST KNOWN ADDRESS OF NONSIGNING INVENTOR**


Brian Lawrence Smith  
11515 Leehigh Drive  
Fairfax, VA 22030

### REMARKS

Applicants hereby petition the Office to accept a Declaration signed by only one of two inventors. A Declaration signed by the available joint inventor with the signature of the non-signing inventor left blank, sufficient to be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor, is enclosed with this petition. See MPEP § 409.03(a)(A). The second inventor, Mr. Brian Lawrence Smith, cannot be reached after diligent effort to sign the Declaration in the above-identified Patent Application. The subject matter claimed in the above-identified Application was jointly developed by Mr. Richard Allen Hay and Mr. Brian Lawrence Smith for Superlative Technologies, Inc. d/b/a SuprTek. The steps taken to locate the inventor and the correspondence providing facts related to this issue are stated above with references to the Attachments.

Date: June 1, 2004

Respectfully submitted,

  
\_\_\_\_\_  
Ross A. Dannenberg  
Registration No. 49,024

Banner & Witcoff, LTD  
1001 G Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 824-3000

## John Fleming

---

**From:** John Fleming  
**Sent:** Monday, October 20, 2003 1:51 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'; 'jbarker@suprtek.com'  
**Cc:** Ross Dannenberg; John Fleming  
**Subject:** RE: B&W 006393.00002 - Patent Application

Rich and Brian,

This is a follow-up reminder about receiving any additional comments you might have and/or your authorization. Please advise as to when we might expect to receive additional comments and/or your approval.

Brian,

We still need your biographical information identified below.

**Attachment 1**  
**Page 1 of 3**

Josh,

We would still like to confirm all of the information regarding the Assignment.

Should you have any questions on these matters, please do not hesitate to contact us.

Regards,  
John

John M. Fleming  
Admitted to Practice in Virginia Only  
BANNER & WITCOFF, LTD.  
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Eleventh Floor  
Washington, D.C. 20001-4597  
Direct Tel: (202) 824-3155  
Direct Fax: (202) 824-3755  
Main Tel: (202) 824-3000  
Main Fax: (202) 824-3001  
jfleming@bannerwitcoff.com  
www.bannerwitcoff.com

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**Note:** I have new telephone and facsimile numbers, as listed above. My old telephone and facsimile numbers will continue to work during our transition period. Please update your records accordingly.

-----Original Message-----

**From:** John Fleming  
**Sent:** Tuesday, October 07, 2003 7:25 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'  
**Cc:** 'jbarker@suprtek.com'; John Fleming; Ross Dannenberg  
**Subject:** B&W 006393.00002 - Patent Application

Rich and Brian,

We have completed the application for the above-identified matter including aspects regarding the vehicular configuration. As such, please review the attached materials and let us know of any changes that need to be made or

general comments to the application. Please feel free to make any changes in the attached Word document, but please be sure that the 'track changes' feature is turned on. In reviewing the application, please keep in mind the following requirements that every application must meet:

- 1) Written Description - The application must describe the invention with sufficient detail with respect to the claims (located at the end of the application).
- 2) Enablement - The application must enable "one of ordinary skill in the art" to make and use the invention. That is, could one of ordinary skill in the art read the patent application and, in conjunction with the provisional application that we already filed, make and use the invention without undue experimentation.
- 3) Best Mode - When there are multiple ways to make or use the invention, the application must disclose the one which the inventors consider to be the best way. This includes any "tricks" necessary to make the invention work best.

In regards to the written description, please confirm that connection between an N-Connector and a pigtail, as described in paragraph [23], is known in the art and that pigtail is a commonly understood term by those skilled in the art. If not, please provide a general description of a pigtail.

Finally, we need to obtain some biographical information for the Assignment and Joint Declaration that we will be filing with the application.

Please confirm/provide the following

**Attachment 1**  
**Page 2 of 3**

First Name: Richard  
Middle Name:  
Family Name: Hay  
Citizenship: USA  
Postal Address:  
Postal City: Oak Hill  
Postal State: Virginia  
Postal Zip Code:

First Name: Brian  
Middle Name:  
Family Name: Smith  
Citizenship: USA  
Postal Address:  
Postal City: Fairfax  
Postal State: Virginia  
Postal Zip Code:

Josh,

Please confirm that this application will be assigned to the following:

Name of Company: Superlative Technologies, Inc., a corporation of Virginia  
Postal Address: 8300 Greensboro Drive, Suite 425  
Postal City: McLean  
Postal State: Virginia  
Postal Zip Code: 22102

Should you have any questions on this matter, please feel free to contact us. Once we have the biographical information, we will send the Joint Declaration and Assignment out.

Regards,  
John

John M. Fleming  
Admitted to Practice in Virginia Only  
BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001-4597  
Direct Tel: (202) 824-3155  
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prohibited. If you have received this communication in error, please notify us immediately by return e-mail, telephone, or facsimile.

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<< File: Application for 006393.00002.DOC >> << File: Drawings for Application 006393.00002.PPT >>

**Attachment 1**  
**Page 3 of 3**

## John Fleming

---

**From:** John Fleming  
**Sent:** Monday, November 10, 2003 4:51 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** RE: B&W 006393.00002 - Formal Documents

Gentlemen,

We are once again following up with you regarding receiving your executed and dated formal documents for the above-identified matter. We have still not received signed and dated documents from either of the inventors. Please let us know if you have any questions or need any assistance.

Regards,  
John

**Attachment 2**  
**Page 1 of 3**

John M. Fleming  
Admitted to Practice in Virginia Only  
BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001-4597  
Direct Tel: (202) 824-3155  
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**Note:** I have new telephone and facsimile numbers, as listed above. My old telephone and facsimile numbers will continue to work during our transition period. Please update your records accordingly.

-----Original Message-----

**From:** John Fleming  
**Sent:** Monday, November 03, 2003 6:05 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** RE: B&W 006393.00002 - Formal Documents

Rich, Brian, and Josh,

Again, this is merely a courtesy reminder about obtaining executed documents regarding the above-identified matter. The application is complete for filing in the U.S. Patent and Trademark Office. Once we receive your formal papers, we will submit the application.

Please let us know if you should have any questions.

Regards,  
John

John M. Fleming  
Admitted to Practice in Virginia Only  
BANNER & WITCOFF, LTD.



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**Attachment 2**  
**Page 2 of 3**

-----Original Message-----

**From:** John Fleming  
**Sent:** Monday, October 27, 2003 4:59 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** RE: B&W 006393.00002 - Formal Documents

Rich and Brian,

This is just a courtesy reminder about obtaining signed and dated formal documents from you for the above-identified matter. Please let us know when we might expect to receive these documents and/or whether additional comments or revisions are needed for the written description or drawings.

Regards,  
John

John M. Fleming  
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-----Original Message-----

**From:** John Fleming  
**Sent:** Monday, October 20, 2003 5:31 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** B&W 006393.00002 - Formal Documents

Rich and Brian,

Attached you will find copies of the Joint Declaration and Assignment that each of you will sign for submitting the above-identified application in the U.S. Patent and Trademark Office. Therefore, if you both are completely satisfied with the written description and drawings and feel that no further amendments are needed to either document, please review and sign the attached Joint Declaration and Assignment. These two documents are necessary for filing in the U.S. Patent and Trademark Office. The two of you need not sign the exact same document, but you both must sign a copy of the Joint Declaration and Assignment.

When each of you have signed these documents, please have them scanned and sent via electronic mail to us or sent via facsimile to one of the numbers provided below. Then, please have the original copies mailed to our attention at the address below. Remember, only sign the two documents if you both feel that no further revisions are needed for the written description and drawings prior to filing the application. Once we have these documents in hand, we will file the application.

If you should have any questions on this matter, please feel free to contact us.

Regards,  
John

**Attachment 2**  
**Page 3 of 3**

John M. Fleming  
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<< File: Joint Declaration for 006393.00002.DOC >> << File: Assignment for 006393.00002.DOC >>

## John Fleming

---

**From:** John Fleming  
**Sent:** Monday, November 17, 2003 5:56 PM  
**To:** 'bsmith@xram.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** RE: B&W 006393.00002 - Formal Documents

Brian,

We understand that you are currently on a site and out of the local area. We have received the signed and dated formal papers from Richard and now only need your documents to file the application in the U.S. Patent and Trademark Office. If possible, please let us know when we might expect to receive the documents from you. We have attached the documents for your convenience.

If you should have any questions, please do not hesitate to contact us.

Regards,  
John

**Attachment 3**  
**Page 1 of 2**

John M. Fleming  
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-----Original Message-----

**From:** John Fleming  
**Sent:** Monday, October 20, 2003 5:31 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** B&W 006393.00002 - Formal Documents

Rich and Brian,

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When each of you have signed these documents, please have them scanned and sent via electronic mail to us or sent via facsimile to one of the numbers provided below. Then, please have the original copies mailed to our attention

at the address below. Remember, only sign the two documents if you both feel that no further revisions are needed for the written description and drawings prior to filing the application. Once we have these documents in hand, we will file the application.

If you should have any questions on this matter, please feel free to contact us.

Regards,  
John

John M. Fleming  
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**Attachment 3**  
**Page 2 of 2**

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Joint Assignment for  
ration for 006396393.00002.DO

## John Fleming

---

**From:** John Fleming  
**Sent:** Monday, December 01, 2003 1:50 PM  
**To:** 'bsmith@xram.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** RE: B&W 006393.00002 - Formal Documents

Brian,

This is just another weekly follow-up reminder regarding the above-identified matter. Please let us know when we might expect to receive the executed documents and/or comments for revision. Please feel free to contact us should you have any questions.

Regards,  
John

**Attachment 4**  
**Page 1 of 3**

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-----Original Message-----

**From:** John Fleming  
**Sent:** Monday, November 24, 2003 10:49 AM  
**To:** 'bsmith@xram.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** RE: B&W 006393.00002 - Formal Documents

Brian,

Please let us know if there is something else that we can do for you regarding execution of the formal papers for the above-identified matter. We can prepare copies to be sent to a particular address, including your home address, with a firm addressed and postage paid envelope for sending back if that would make it easier for you to review, sign, and date the formal papers. Let us know if you have any questions.

Regards,  
John

John M. Fleming  
Admitted to Practice in Virginia Only  
BANNER & WITCOFF, LTD.

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**Attachment 4**  
**Page 2 of 3**

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-----Original Message-----

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**Sent:** Monday, October 20, 2003 5:31 PM  
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**Subject:** B&W 006393.00002 - Formal Documents

Rich and Brian,

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Regards,  
John

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Main Fax: (202) 824-3001  
jfleming@bannerwitcoff.com  
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immediately by return e-mail, telephone, or facsimile.

**Note:** I have new telephone and facsimile numbers, as listed above. My old telephone and facsimile numbers will continue to work during our transition period. Please update your records accordingly.

<< File: Joint Declaration for 006393.00002.DOC >> << File: Assignment for 006393.00002.DOC  
>>

**Attachment 4**  
**Page 3 of 3**

## John Fleming

---

**From:** Ross Dannenberg  
**Sent:** Monday, December 15, 2003 12:41 PM  
**To:** 'bsmith@xram.com'  
**Cc:** 'jbarker@suprtek.com'; John Fleming  
**Subject:** B&W 006393.00002 - Execution of Formal Documents

**Attachment 5**  
**Page 1 of 2**

Re: Patent Application entitled "FIELD DEPLOYABLE WIRELESS NETWORKING DEVICE"

Brian,

We have spoken with Joshua Barker and he has indicated that you may be having a lawyer review the formal papers we sent you back in October with the below email. We understand that you may have some questions regarding ownership rights you may or may not have in the above-identified patent application. If you do retain an attorney, please have him/her contact us to try to work this out.

In the meantime, we kindly request the following:

1) Please review the application and drawings and, if you are satisfied and agree that the application enables one skilled in the art to make and produce the described invention, includes the best mode for the present invention, and that the application describes the invention in sufficient detail with respect to the claims, please sign the Declaration and send us the executed Declaration to the address/facsimile number below. Please note, and you are free to confirm with your independent lawyer, that the signing of the Declaration document does not relinquish ownership rights you may or may not have in the present invention (note there is no indication of company name on the declaration). The execution of the Declaration by the inventors is a document required by the U.S. Patent and Trademark Office to confirm that you are an inventor of the present invention, you understand your obligations as an inventor, and that we (Banner & Witcoff, LTD.) are given authorization to prosecute the matter. The Declaration is not an acknowledgement that you have assigned any rights you may or may not have to another entity. With your signature on the Declaration, we can file the application and get the process started.

Alternatively, if you have comments and/or revisions to include for the application, please feel free to provide them and we will revise the application accordingly. Further, please let us know, or have your attorney get in touch with us, if there are other questions you might have in regards to the Declaration.

2) Please feel free to have your own lawyer review the documents we have sent you, including the Assignment document. The Assignment document is not needed at this time for filing in the U.S. Patent and Trademark Office. Please feel free to contact us on this matter; however, it may be best to discuss Assignment rights directly with your own attorney and Joshua Barker on this matter.

Please note that Banner & Witcoff, LTD. represents Superlative Technologies, Inc. in this matter, and not any individuals personally (e.g., not yourself, Richard Hay, Joshua Barker, etc.). That is, we represent the corporate entity. Please also note that nothing in this email should be construed as an admission by Superlative Technologies that you have any ownership interest in the above-referenced invention. To the contrary, it is Superlative Technologies' position that the execution of the assignment is merely a formality, and that all rights to the invention already belong to Superlative Technologies. If you have any questions regarding the information provided herein regarding your legal rights, please contact your attorney.

We hope that you will be able to review the documents and at least sign the Declaration and send us the document, or a copy, to the address/facsimile number below. If you feel that revisions and/or additions to the application are needed, please let us know and we will include them immediately. Unless we hear from you by **December 19, 2003**, we will proceed with the patent application without your assistance. Let us know if you have any questions.

Regards,

**Ross**

Ross Dannenberg  
BANNER & WITCOFF, LTD.  
1001 G Street, NW  
Washington, DC 20001-4597  
Direct Tel: (202) 824-3153  
Direct Fax: (202) 824-3753



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**Attachment 5**  
**Page 2 of 2**

-----Original Message-----

**From:** John Fleming  
**Sent:** Monday, October 20, 2003 5:31 PM  
**To:** 'bsmith@xram.com'; 'rhay@suprtek.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg; John Fleming  
**Subject:** B&W 006393.00002 - Formal Documents

Rich and Brian,

Attached you will find copies of the Joint Declaration and Assignment that each of you will sign for submitting the above-identified application in the U.S. Patent and Trademark Office. Therefore, if you both are completely satisfied with the written description and drawings and feel that no further amendments are needed to either document, please review and sign the attached Joint Declaration and Assignment. These two documents are necessary for filing in the U.S. Patent and Trademark Office. The two of you need not sign the exact same document, but you both must sign a copy of the Joint Declaration and Assignment.

When each of you have signed these documents, please have them scanned and sent via electronic mail to us or sent via facsimile to one of the numbers provided below. Then, please have the original copies mailed to our attention at the address below. Remember, only sign the two documents if you both feel that no further revisions are needed for the written description and drawings prior to filing the application. Once we have these documents in hand, we will file the application.

If you should have any questions on this matter, please feel free to contact us.

Regards,  
John

John M. Fleming  
Admitted to Practice in Virginia Only  
BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001-4597  
Direct Tel: (202) 824-3155  
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**Laura Sunderland**

---

**Attachment 6**  
**Page 1 of 1**

**From:** Laura Sunderland  
**Sent:** Wednesday, April 07, 2004 9:18 AM  
**To:** 'bsmith@xram.com'  
**Cc:** John Fleming; Ross Dannenberg; Laura Sunderland; Marilyn Davis  
**Subject:** U.S. Application Serial No. 10/740,460; our reference: 006393.00002

The above-identified application has been assigned Application Serial No. 10/740,460 and the filing date of December 22, 2003.

We received a Notice to File Missing Parts of Non-Provisional Application. This notice was issued because the oath or declaration did not contain your signature. In order to avoid abandonment, we need to obtain your signature on the Declaration document to file by May 29, 2004.

Attached is an electronic copy of the application as filed (36 pages), along with the Joint Declaration (2 pages) and Joint Assignment (1 page) for your signature. We will also send these documents to you via Federal Express. Please execute the Joint Declaration and Assignment and return all three pages to us as soon as possible.

Should you have any questions, please do not hesitate to contact us.



application.pdf (1  
MB)

Laura Sunderland  
Secretary to  
John M. Fleming  
Banner & Witcoff, Ltd.  
1001 G Street, NW  
Eleventh Floor  
Washington, D.C. 20001-4957  
(202) 824-3140 (direct)  
lsunderland@bannerwitcoff.com

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A

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Attachment 7

Page 1 of 1

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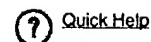
Ship To:	Brian Lawrence Smith 11515 Leehigh Drive Fairfax, VA 22030 US 703-273-7048	Package type: Pickup/Drop Off Total Weight: Declared Value: Courtesy Rate Quote*: Special Services	FedEx Envelope will use scheduled pickup 1 LBS 0 USD *12.17 Signature Required Residential Delivery Express
From:	Laura Sunderland Banner & Witcoff 1001 G St. NW Suite 1100 Washington, DC 20001 US 2025089140	Shipment type:	
Tracking Number:	791813952545		<b>Attachment 8</b>
Your reference	006393.00002/0724		<b>Page 1 of 3</b>
Ship date:	Apr 7 2004		
Service type:	Priority Overnight		

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Track Shipments  
Detailed Results

Tracking number	791813952545	Reference number	006393.00002/0724
Signed for by	B.. SMITH	Delivered to	Fedex Location
Ship date	Apr 7, 2004	Delivery location	FAIRFAX VA
Delivery date/time	Apr 8, 2004 8:04 pm	Service type	Priority Envelope

Date/time	Status	Location	Comments
Apr 8, 2004	8:04 pm Delivered	FAIRFAX VA	
	8:04 pm Held at FedEx location for recipient pickup	HERNDON VA	
	5:01 pm Package status	HERNDON VA	Package in FedEx location
	9:59 am Delivery attempt	FAIRFAX VA	Customer not available or Business closed
	7:56 am On FedEx vehicle for delivery	HERNDON VA	
	6:43 am Arrived at FedEx Destination Location	HERNDON VA	
Apr 7, 2004	10:44 pm Arrived at FedEx Ramp	DULLES VA	
	9:29 pm Left FedEx Origin Location	WASHINGTON DC	
	7:06 pm Picked up by FedEx	WASHINGTON DC	

Attachment 8  
Page 2 of 3

Signature proof

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To 

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**Laura Sunderland**

---

**From:** sysdeliv@fn3a.prod.fedex.com  
**Sent:** Thursday, April 08, 2004 8:09 PM  
**To:** Laura Sunderland  
**Subject:** FedEx shipment 791813952545

**Attachment 8**  
**Page 3 of 3**

Our records indicate that the shipment sent from Laura Sunderland/Banner & Witcoff to Brian Lawrence Smith has been delivered.

The package was delivered on 04/08/2004 at 8:04 PM and signed for or released by B.. SMITH.

The ship date of the shipment was 04/07/2004.

The tracking number of this shipment was 791813952545.

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&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791813952545&action=track&language=english&cntry_code=us)

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## Shipment Details

Ship To:	Brian Lawrence Smith 11515 Leehigh Drive Fairfax, VA 22030 US 703-273-7048	Package type: Pickup/Drop Off Total Weight: Declared Value: Courtesy Rate Quote*:	FedEx Envelope will use scheduled pickup 1 LBS 0 USD *12.17
From:	Laura Sunderland Banner & Witcoff 1001 G St. NW Suite 1100 Washington, DC 20001 US 2025089140	Special Services Shipment type:	Signature Required Residential Delivery Express
Tracking Number:	791831039406	<b>Attachment 9</b> <b>Page 1 of 4</b>	
Your reference	006393.00002/0724		
Ship date:	Apr 29 2004		
Service type:	Priority Overnight		

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## Laura Sunderland

---

**From:** Laura Sunderland  
**Sent:** Thursday, April 29, 2004 12:10 PM  
**To:** Laura Sunderland  
**Subject:** FedEx shipment 791831039406

**Attachment 9**  
**Page 2 of 4**

Laura Sunderland of Banner & Witcoff sent Brian Lawrence Smith a Priority Overnight FedEx Envelope.

This shipment is scheduled to be sent on 29APR04.

The tracking number(s) are: 791831039406

To track this shipment online click on the following link: [http://www.fedex.com/cgi-bin/tracking?tracknumbers=791831039406&action=track&language=english&cntry\\_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791831039406&action=track&language=english&cntry_code=us)

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## Laura Sunderland

---

**From:** FedEx [donotreply@fedex.com]  
**Sent:** Friday, April 30, 2004 6:07 PM  
**To:** Laura Sunderland  
**Subject:** FedEx shipment 791831039406

**Attachment 9**  
**Page 3 of 4**

Our records indicate that the shipment sent from Laura Sunderland/Banner & Witcoff to Brian Lawrence Smith has been delivered.

The package was delivered on 04/30/2004 at 6:02 PM and signed for or released by B..SMITH.

The ship date of the shipment was 04/29/2004.

The tracking number of this shipment was 791831039406.

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www.bannerwitcoff.com

Ross A. Dannenberg  
(202) 824-3153  
rdannenberg@bannerwitcoff.com

Attachment 9  
Page 4 of 4

April 29, 2004

**VIA FEDERAL EXPRESS**

Brian L. Smith  
11515 Leehigh Drive  
Fairfax, VA 22030

Re: U.S. Application Serial No. 10/740,460  
"Field Deployable Wireless Networking Device"  
Richard A. Hay et al.  
Our Reference: 006393.00002

Dear Mr. Smith:

Further to our email communication and Federal Express of April 7, 2004 and since we have not yet received the executed Joint Declaration and Assignment from you, attached is a second copy of the email communication of April 7, 2004, along with copies of the application as filed, Joint Declaration, and Joint Assignment. Please execute the Joint Declaration and the Joint Assignment and return the executed documents to us as soon as possible.

Please note that you may opt to sign only the Declaration at this time, as it does not affect any ownership interest you may have in the invention. However, it is the position of SuprTek that SuprTek is the 100% owner of the invention by virtue of employment and/or other pre-existing agreements.

Should you have any questions, please do not hesitate to contact us or speak to your own attorney if you have retained one.

Sincerely,

Ross A. Dannenberg

CHICAGO  
WASHINGTON, D.C.  
BOSTON  
PORTLAND, OR.  
RAD/JMF/lls  
Enclosures

## John Fleming

---

**From:** John Fleming  
**Sent:** Tuesday, May 18, 2004 2:00 PM  
**To:** 'bsmith@xram.com'  
**Cc:** 'jbarker@suprtek.com'; Ross Dannenberg  
**Subject:** B&W 006393.00002 - Formal Documents

**Attachment 10**  
**Page 1 of 1**

Brian,

Further to our communications of April 7 and April 29, 2004, and since we have not yet received the executed Joint Declaration and/or Assignment from you, attached are copies of the application as filed, Joint Declaration, and Joint Assignment. Please execute the Joint Declaration and the Joint Assignment and return the executed documents to us at the address below as soon as possible.

Please note that you may opt to sign only the Declaration at this time, as it does not affect any ownership interest you may have in the invention. However, it is the position of SuprTek that SuprTek is the 100% owner of the invention by virtue of employment and/or other pre-existing agreements.

Should you have any questions, please do not hesitate to contact us or speak to your own attorney if you have retained one.

Regards,  
John

John M. Fleming  
Admitted to Practice in Virginia Only  
BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001-4597  
Direct Tel: (202) 824-3155  
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